

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Newport News Division

PHILLIP CHATMAN,

Plaintiff,

v.

Civil Action No. 4:15cv80

CAROLYN W. COLVIN,
Commissioner of Social Security,

Defendant.

ORDER

Plaintiff brought this action under 42 U.S.C. § 405(g), seeking judicial review of the final decision of the Commissioner of Social Security. That decision denied Plaintiff's claim for disability insurance benefits pursuant to Title II of the Social Security Act.

This matter was referred to a United States Magistrate Judge pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72(b) of the Federal Rules of Civil Procedure, as well as Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia. The Court undertook consideration of Plaintiff's Motion for Summary Judgment (ECF No. 11) and Defendant's Cross-Motion for Summary Judgment (ECF No. 13).

The Report and Recommendation (R&R) of the Magistrate Judge recommended that: (1) Plaintiff's Motion for Summary Judgment be denied; (2) the Commissioner's Motion for Summary Judgment be granted; and (3) the final decision of the Commissioner be affirmed. ECF No. 16.

By copy of the Report, each party was advised of the right to file written objections to the findings and recommendations made by the Magistrate Judge. The Court received Plaintiff's

objections to the Magistrate Judge's R&R (ECF No. 17), and Defendant's Response to Plaintiff's objections (ECF No. 18), and has considered the objections carefully.

Plaintiff contends that the Magistrate Judge erred when he recommended that the decision of the Administrative Law Judge (ALJ) to deny benefits should be affirmed. Plaintiff argues that the ALJ's decision to give "significant weight" to his Department of Veteran's Affairs (VA) disability rating should have resulted in a finding that he was disabled under the Social Security Act. ECF No. 17 at 1. After reviewing the record *de novo*, the Court concludes that the ALJ properly evaluated Plaintiff's VA disability rating, and that the ALJ's decision was supported by substantial evidence.

Therefore, the Court **ADOPTS** the findings and recommendations set forth in the R&R. 28 U.S.C. § 636(b)(1)(C); *see* Fed. R. Civ. P. 72(b). Plaintiff's Motion for Summary Judgment (ECF No. 11) is **DENIED**; the Commissioner's Motion for Summary Judgment (ECF No. 13) is **GRANTED**; and the final decision of the Commissioner is **AFFIRMED**. The parties may appeal from the Judgment entered pursuant to this Final Order by filing a written notice of appeal with the Clerk of this Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within sixty days from the date of entry of the Judgment.

The Clerk is **REQUESTED** to forward a copy of this Order to all parties.

IT IS SO ORDERED.



Arenda L. Wright Allen
United States District Judge

Sept 23, 2016
Norfolk, Virginia